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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,070	02/12/2002	Rajesh Kumar Varma	GLS-021	6677
7590	03/30/2005		EXAMINER	
Alfred D. Lobo, Esq., LOBO & CO., L.P.A. 933 The Leader Bulding 526 Superior Avenue Cleveland, OH 44114-1401			MULLIS, JEFFREY C	
			ART UNIT	PAPER NUMBER
			1711	
				DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1D

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/074,070	VARMA, RAJESH KUMAR
	<b>Examiner</b>	<b>Art Unit</b>
	Jeffrey C. Mullis	1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 November 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-11 and 13-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-11 and 13-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

All previous rejections and/or objections are hereby withdrawn based on applicant's remarks and amendment. It is assumed that the "lower" olefin of the polymono lower olefin of "a" does not embrace styrene for at least this reason the claims are patentable over the art formally relied upon.

Page 7 line 11 contains the term "adhesive" with the quotation mark on the left side of the word only. Correction is required. Page 7 line 19 contains " . . ." which appears to be a typo. Correction is required.

Claims 1, 2, 4-11 and 13-24 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as filed does not broadly support compositions which are "free of adhesive properties" and this limitation is therefore new matter. Applicants may delete this phrase and recite that the sealant or sealing element or resin is free of tackiness if they wish. The specification as filed while supporting addition of 5-150 parts of polymono (lower) olefin to component "a" does not support such addition to component "b" and applicant's limitation reciting that "each" of (a) can be as the polyvinyl lower olefin is therefore new matter. Applicants may therefore delete the term "each" and replace it with "b" in order to overcome the above rejection based on new matter. The claims will still be allowable over the prior art of record in the previous Office actions if the Examiner's suggestion of overcoming the rejection under 35 U.S.C. § 112 first paragraph is adopted by applicants.

Claims 1, 2, 4-11 and 13-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added term "polymono (lower) olefin" in the independent claims is unclear in that the term "lower" is subjective.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 16 and 18-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Vemiere et al. (U.S. 5,278,220).

Vemiere et al. disclose a composition containing applicant's Shore A hardness values. Note the values at column 10 lines 5-10 in Table VI in this regard as well as Table V. The material contains Kraton hydrogenated SBS block copolymer, as well as Napvis or Hyvis polyisobutylene having applicant's molecular weights and polypropylene as in applicant's polymono (lower) olefin. Note the Table in column 6 in this regard. Note Table 1 and especially Examples 4, 6 and 9 where these materials are used in combination in applicant's amounts. Note that 4.46 mm circular disks may be produced at column 8 lines 63-65,

objects which could reasonably be said to embrace a bottle cap whether or not they are disclosed to be usable as caps. With regard to applicant's characteristics of the materials explicitly recited by the instant claims and by the patent are the same and as identical materials have identical characteristics, the characteristics of the patent and application claims would reasonably appear to be the same and furthermore applicant's hardness values are explicitly disclosed by the patent, further indication that patentees' and applicant's compositions inherently have the same properties.

When the reference discloses all the limitations of a claim except a property or function, and the Examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention, basis exists for shifting the burden of proof to applicant. Note In re Fitzgerald et al. 619 F. 2d 67, 70, 205 USPQ 594, 596, (CCPA 1980). See MPEP § 2112-2112.02.

Claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vemiere et al., cited above.

With regard to the specific additives and their amounts recited in claims 6 and 10, patentees disclose such at column 5 lines 41-46 although there are no specific examples containing such materials in applicant's amounts. However choice of these materials in applicant's amounts as disclosed by patentees would have been obvious to a practitioner having ordinary skill in the art at the time of the invention in the expectation of adequate results absent any showing of surprising or unexpected results.

It is noted that claims 5, 7-9, 11, 13, 14, 15 and 17 are allowable over the prior art. These claims will still be allowable over the prior art if the Examiner's

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suggestion for amending the specification to overcome the above rejections under 35 U.S.C. § 112 first paragraph are adopted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Mullis whose telephone number is (571) 272-1075. The examiner can normally be reached on Monday-Friday from 9:30 to 6:30.

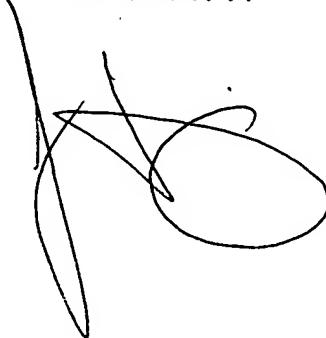
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on (571) 272-1078. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

J. Mullis:cdc

March 24, 2005

*Jeffrey Mullis*  
Primary Examiner  
Art Unit 1711

A handwritten signature in black ink, appearing to read "Jeffrey Mullis". The signature is fluid and cursive, with a large, stylized letter 'J' on the left and a more formal 'Jeffrey' followed by 'Mullis' to the right.